

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

JEFFREY M. SONKIN,	:	
	:	
Plaintiff,	:	CASE NO. 1:16-CV-1464
	:	
v.	:	JUDGE
	:	MAGISTRATE JUDGE
ALLY FINANCIAL INC.,	:	
	:	
Defendant.	:	
	:	

**NOTICE OF REMOVAL**

Defendant Ally Financial Inc. (“Ally”) removes this case from the Court of Common Pleas, Cuyahoga County, Ohio to the United States District Court for the Northern District of Ohio, Eastern Division. Removal is based upon 28 U.S.C. §§ 1331, 1332, 1441 and 1446 and the following:

1. On May 12, 2016, Plaintiff Jeffrey M. Sonkin (“Plaintiff”) filed a Complaint against Ally (“Complaint”) in the Cuyahoga County Court of Common Pleas. The case has been designated as Case No. CV 16-863174 in the Cuyahoga County Court of Common Pleas (the “State Court Action”).

2. In compliance with 28 U.S.C. § 1446(a), a copy of the Summons and Complaint served on Ally is attached as Exhibit A. A copy of all other pleadings and papers filed to date in the State Court Action are attached collectively as Exhibit B.

3. This is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1331 as Plaintiff specifically alleges violations of federal law, namely the federal Telephone Consumer Protection Act (“TCPA”). See Mims v. Arrow Financial Services, LLC, 132 S.Ct. 740 (2012) (holding federal question jurisdiction applies to TCPA claims). This Court also has

original jurisdiction under 28 U.S.C. § 1332(a)(1) as this action involves a matter in controversy exceeding the sum or value of \$75,000, and this action is between citizens of different states. Plaintiff alleges he is a citizen of Ohio and Plaintiff alleges that Ally is a “foreign corporation” (Ally is in fact a Delaware corporation with its headquarters in Detroit, Michigan).

4. Ally has filed this Notice of Removal in this Court within thirty (30) days of receipt of service of the summons and complaint setting forth the claims for relief upon which this action is based, pursuant to 28 U.S.C. § 1446(b). The Notice of Removal includes a short and plain statement of the grounds for removal together with a copy of all process, pleadings, and orders served upon Ally.

5. Ally has served, or will promptly serve, written notice of the filing of this Notice of Removal on all parties to this action, and will file a copy of the Notice of Removal, along with a Notice of Filing of Notice of Removal, in the Court of Common Pleas, Cuyahoga County, Ohio, as provided by 28 U.S.C. § 1446(d). A copy of the Notice of Filing of Notice of Removal (without exhibits) is attached as Exhibit C.

6. No admission of any fact, allegation, claim or wrong doing relating to the Complaint is intended by this Notice of Removal, and Ally expressly reserves any and all defenses and motions otherwise available to it without limitation.

7. Ally reserves the right to submit additional evidence in support of the Notice of Removal, including as may be necessary to address and refute any contentions set forth in a motion to remand.

WHEREFORE, pursuant to 28 U.S.C. §§ 1331, 1332, 1441 and 1446, Defendant Ally Financial Inc. hereby removes this action from the Court of Common Pleas, Cuyahoga County, Ohio to the United States District Court for the Northern District of Ohio, Eastern Division.

Respectfully submitted,

/s/ Jeffrey A. Lipps  
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*Attorneys for Defendant  
Ally Financial Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was served via electronic mail on the 14<sup>th</sup> day of June, 2016, upon the following:

Michael L. Fine  
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/s/ Joel E. Sechler  
*One of the Attorneys for Defendant  
Ally Financial Inc.*

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